

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LESTER P. PARKER, III,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-156
)	(PHILLIPS/SHIRLEY)
JOSEPH CONSTRUCTION CO., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Order [Doc. 28] of the Honorable Thomas W. Phillips, United States District Judge, to determine whether the plaintiff has effected service of process on all named defendants. Pursuant to Judge Phillips' Order, the Court conducted a status conference on December 6, 2007. The plaintiff, Lester P. Parker, III, appeared *pro se*, while attorney Christopher W. Conner appeared on behalf of defendant Joseph Construction Company.

At the hearing, Mr. Parker stated that he, via the United States Marshal's Office, had attempted to effectuate service of process upon defendants Kenny Masengill and Wimpy Loveday by delivering the summons to their employer, Joseph Construction Company. However, according to attorney Conner, the employer returned the documents to attorney Conner, who returned them to the Court. Mr. Parker further stated that he did not know the home address of Mr. Masengill and Mr. Loveday, and that he had been unable to obtain that information from Joseph Construction Company. The Court noted that it understood Mr. Parker's frustration, but that he nonetheless had to follow the Federal Rules of Civil Procedure, including Rule 4. Accordingly, the Court finds that,

while defendant Joseph Construction Company has been properly served, as of the date of the hearing, individual defendants Kenny Masengill and Wimpy Loveday have not been served in accordance with Rule 4 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge